

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on October 15, 2002.

These rules take effect on October 31, 2002.

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 P.A. 230, MCL 125.1504, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 408.30101 to R 408.31194 of the Michigan Administrative Code are amended by adding R 408.30551 to R 408.30577 as follows:

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, hereinafter referred to as "the code," 2003 final draft, dated August 2001, is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 through 108.6, 112.2, 112.3, 114.3, 506.1.1 through 506.2, and 1005.1.1 through 1005.1.5, and as otherwise noted in these rules. The international existing building code, 2003 final draft, dated August 2001, is available for inspection at the Okemos office of the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes. The international existing building code, 2003 final draft, dated August 2001, may be purchased from the Building Officials and Code Administrators International, Incorporated, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, or the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$17.00.

R 408.30552 References to international codes.

Rule 552. All references to the code, international electrical code, international energy code, international residential code, international mechanical code, and international plumbing code in the international existing building code shall mean the Michigan building code, Michigan electrical code, Michigan uniform energy code, Michigan residential code, Michigan mechanical code and Michigan plumbing code, respectively.

R 408.30553 Title.

Rule 553. Section 101.1 of the code is amended as follows:

101.1 Title. These rules shall be known as the Michigan rehabilitation code for existing buildings, hereinafter referred to as "this code."

R 408.30554 Scope.

Rule 554. Section 101.2 of the code is amended as follows:

101.2 Scope. The provisions of this code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building which has not been previously occupied or used for its intended purpose shall comply with

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the provisions of the Michigan building code for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the Michigan building code, the Michigan electrical code, the Michigan residential code, the Michigan mechanical code, and the Michigan plumbing code shall be considered to be in compliance with this code.

R 408.30555 Intent.

Rule 555. Section 101.3 of the code is amended as follows:

101.3 Intent. The purpose of this code is to encourage the continued use and reuse of legally existing buildings and structures through alternative compliance methods. These provisions are intended to improve the public health, safety, and welfare in existing buildings insofar as they are affected by the repair, alteration, change in occupancy, addition, and relocation of existing buildings.

R 408.30556 Compliance.

Rule 556. Section 102.4.2 of the code is amended as follows:

102.4.2 Compliance. Compliance with the structural provisions of the Michigan building code, 1999 national building code, or 1997 uniform building code shall be deemed to exceed or be equivalent to the structural provisions of this code.

R 408.30557 "Building official" defined.

Rule 557. Section 103.2 of the code is amended as follows:

103.2 "Building official" means the person who is appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and who is registered in accordance with the requirements of 1986 P.A. 54, MCL 338.2301 et seq. Where used in this code, the term code official means "building official".

R 408.30558 Preliminary meeting.

Rule 558. Section 104.2.1 of the code is amended as follows:

104.2.1 Preliminary meeting. When requested by the owner or owner's agent, the building official shall meet with the owner or the owner's agent to discuss plans for the proposed work or change of occupancy before the application for a construction permit in order to establish the specific applicability of the provisions of this code. The building official shall notify the appropriate fire official of the meeting.

Exception: Repairs, and alterations level 1 and level 2.

R 408.30559 Preliminary review.

Rule 559. Section 104.2.2 of the code is amended as follows:

104.2.2 Preliminary review. When a building permit is required by the code, the owner or owner's agent may request a review of preliminary construction documents to determine compliance with this code.

R 408.30560 Annual permit.

Rule 560. Sections 105.1.1 and 105.1.2 of the code are amended as follows:

105.1.1 Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an

annual permit upon application therefor to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of 1956 P.A. 217, MCL 338.881 et seq., 1984 P.A. 192, MCL 338.971 et seq., or 1929 P.A. 266, MCL 338.901 et seq.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

R 408.30561 Work exempt from permit.

Rule 561. Section 105.2 of the code is amended as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

(a) Building, as follows:

(i) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

(ii) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(iii) Temporary motion picture, television and theater stage sets and scenery.

(iv) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

(v) Window awnings supported by an exterior wall of group R-3 or group U occupancies.

(vi) Movable cases, counters and partitions.

(b) Electrical, as follows:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply and to the installations of towers and antennas.

(iii) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Gas, as follows:

(i) Portable heating appliance.

(ii) Replacement of any minor part that does not alter approval or equipment or make equipment unsafe.

(d) Mechanical, as follows:

(i) Portable heating appliance.

(ii) Portable ventilation equipment.

(iii) Portable cooling unit.

(iv) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

(v) Replacement of any part which does not alter its approval or make it unsafe.

(vi) Portable evaporative cooler.

(vii) Self-contained portable refrigeration units not more than 1.5 horsepower.

(e) Plumbing, as follows:

(i) The stopping of leaks in drains, water, soil, waste or vent pipe; however, if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the trap, drainpipe, or waste or vent pipe with new material, then the work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R 408.30562 Submittal of documents.

Rule 562. Section 106.1 of the code is amended as follows:

106.1 Submittal of documents. Construction documents, special inspection and structural observation programs, investigation and evaluation reports, and other data shall be submitted in 1 or more sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of a registered design professional when required by article 20 of 1980 P.A. 299, MCL 339.101 et seq. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R 408.30563 Fire flow requirements.

Rule 563. Section 106.1.1.2 of the code is amended as follows:

106.1.1.2 Fire flow requirements. The application for permit shall be accompanied by an evaluation of the available fire flow at the building utilizing the existing fire hydrants on the site, public streets, and adjacent sites in accordance with the provisions of section B105 of appendix b of the international fire code.

R 408.30564 Temporary power.

Rule 564. Section 107.3 of the code is amended as follows:

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before the installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the Michigan electrical code.

R 408.30565 Payment of fees.

Rule 565. Section 108.1 of the code is amended as follows:

108.1 Payment of fees. The fees prescribed by section 22 of 1972 P.A. 230, MCL 125.1501 et seq. shall be paid to the enforcing agency of the jurisdiction before a permit to begin work may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee has been paid.

R 408.30566 Lowest floor elevation.

Rule 566. Section 109.3.3 of the code is amended as follows:

109.3.3 Lowest floor elevation. For additions and substantial improvements to existing buildings in flood hazard areas, the elevation certification required in the Michigan building code shall be submitted to the building official.

R 408.30567 Special inspections.

Rule 567. Section 109.3.8 of the code is amended as follows:

109.3.8 Special inspections. Special inspections shall be required in accordance with the Michigan building code.

R 408.30568 Altered area use and occupancy classification change.

Rule 568. Section 110.1 of the code is amended as follows:

110.1 Altered area use and occupancy classification change. An altered area of a building shall not be used or occupied, and a change in the existing occupancy classification of a building or portion thereof shall not be made until the building official has issued a certificate of occupancy in accordance with section 13 of 1972 P.A. 230, MCL 125.1501 et seq. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of the other ordinances of the jurisdiction.

R 408.30569 Certificate issued.

Rule 569. Section 110.2 of the code is amended as follows:

110.2 Certificate issued. After the building official inspects the building and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy, which shall contain all of the following information:

- (a) The building permit number.
- (b) The address of the structure.
- (c) The name and address of the owner.
- (d) A description of that portion of the structure for which the certificate is issued.
- (e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (f) The name of the building official.
- (g) The edition of the code under which the permit was issued.
- (h) The use and occupancy in accordance with the provisions of the Michigan building code.
- (i) The type of construction as defined in the Michigan building code.
- (j) The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.
- (k) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- (l) Any special stipulations and conditions of the building permit.

R 408.30570 General.

Rule 570. Section 112.1 of the code is amended as follows:

112.1 General. Appeals shall be heard in accordance with the provisions of section 14 of 1972 P.A. 230, MCL 125.1501 et seq.

R 408.30571 Violation penalties.

Rule 571. Section 113.4 of the code is amended as follows:

113.4 Violation penalties. (1) It is unlawful for any person, firm, or corporation to violate a provision of this code or fail to conform with any of the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause work to be performed or done in conflict with or in violation of the approved construction documents or directive of the enforcing agency or a permit or certificate issued under this code.

(2) A violator shall be assessed a fine in accordance with section 23 of 1972 P.A. 230, MCL 125.1501 et seq.

R 408.30572 Notice to owner.

Rule 572. Section 114.2 of the code is amended as follows:

114.2 Notice to owner. Upon notice from the enforcing agency, work on any building or structure that has been done contrary to this code or in a dangerous and unsafe manner shall immediately cease. Notice shall be in accordance with section 12 of 1972 P.A. 230, MCL 125.1501 et seq. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed in section 23 of 1972 P.A. 230, MCL 125.1501 et seq.

R 408.30573 Design procedures and seismic forces.

Rule 573. Sections 407.1.1.1, 407.1.1.2, and 407.1.1.3 of the code are amended as follows:

407.1.1.1 Design procedures. The seismic design of existing buildings shall be based upon the procedures specified in the Michigan building code.

407.1.1.2 Level seismic forces. When seismic forces are required to meet the Michigan building code, they shall be based upon 100% of the values in the Michigan building code or FEMA 356, the standard of the Federal Emergency Management Agency, which is adopted in these rules by reference. The standard may be obtained from the Federal Emergency Management Agency, Federal Center Plaza, 500 C Street S.W., Washington DC 20472, at no cost or from the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864. This standard may be inspected at the Okemos office of the Michigan department of consumer and industry services. Where FEMA 356 is used, the FEMA 356 basic safety objective (BSO) shall be used for buildings in seismic use group I. For buildings in other seismic use groups, the applicable FEMA 356 performance levels shown in table 407.1.1.2 for BSE - 1 and BSE - 2 earthquake hazard levels shall be used.

407.1.1.3 Reduced level seismic forces. When seismic forces are required to meet reduced Michigan building code levels, they shall be based upon 75% of the assumed forces prescribed in the Michigan building code.

R 408.30574 Accessibility.

Rule 574. Section 506.1 of the code is amended as follows:

506.1 Accessibility. A building, facility, or element that is altered shall comply with the requirements of 1966 P.A. 1, MCL 125.1351 et seq. and the applicable provisions of chapter 11 of the Michigan building code, R 408.31101 et seq.

R 408.30575 High-rise buildings.

Rule 575. Section 702.1 of the code is amended as follows:

702.1 High-rise buildings. Any building having 1 or more occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of sections 702.1.1 through 702.1.2.

Exception: The provisions of sections 702.1.1 and 702.1.2 shall apply to buildings having occupied floor levels more than 75 feet above the lowest level of fire department vehicle access where the local unit of government has complied with the provisions of section 403.1 of the Michigan building code, exception 6.

R 408.30576 Accessibility requirements.

Rule 576. Sections 806.1, 812.5, and 1005.1 of the code are amended as follows:

806.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of R 408.30574.

812.5 Accessibility. Existing buildings or portions thereof that undergo a change of occupancy shall comply with the provisions of R 408.30574.

1005.1 Accessibility requirements. The provisions of R 408.30574 shall apply to buildings and facilities designated as historical structures that undergo a change of occupancy.

R 408.30577 Applicability.

Rule 577. Section 1201.2 of the code is amended as follows:

1201.2 Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of chapter 12 of the code or the provisions of chapters 4 through 10 of the code. The provisions in sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. The provisions of this rule shall not apply to buildings with occupancies in group H or I.